

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHARLES H. THOMPSON,)	Civil Action
)	No. 10-cv-2058
Plaintiff)	
)	
vs.)	
)	
MED-MIZER, INC., and)	
LINAK U.S., INC.,)	
)	
Defendants)	

O R D E R

NOW, this 18th day of March, 2011, upon consideration
of the following documents:

- (1) Motion of Moving Defendant Med-Mizer, Inc.
Pursuant to Federal Rule of Civil Procedure
12(b)(6) to Dismiss Plaintiff's Complaint,
which motion was filed August 30, 2010;
- (2) Defendant, Linak U.S., Inc.'s, Motion to
Dismiss Plaintiff's Amended Complaint
Pursuant to Federal Rule of Civil Procedure
12(b)(6), which motion was filed August 31,
2010; and
- (3) Plaintiff's Reply to Motions to Dismiss by
Med-Mizer, Inc. and by Linak U.S., Inc.,
which reply was filed September 29, 2010;

and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that each motion is granted in part in
denied in part.

IT IS FURTHER ORDERED that each motion in the nature of
a motion to dismiss the negligence claim alleged in Count One of
plaintiff's Amended Complaint is granted.

IT IS FURTHER ORDERED that Count One of plaintiff's
Amended Complaint is dismissed without prejudice for plaintiff to

re-plead his negligence claim in accordance with the accompanying Opinion.

IT IS FURTHER ORDERED that in all other respects, each motion to dismiss is denied.

IT IS FURTHER ORDERED that plaintiff shall have until on or before April 15, 2011 to file a second amended complaint in accordance with the accompanying Opinion.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge